REMARKS

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 1-18, 21, 24, 25 and 27-29, all other claims having been cancelled. Claim 12 has been amended as suggested by the Examiner to obviate the objection thereto.

The Examiner has required a 19-way restriction requirement on the basis that the inventions do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features since there is no common concept or structure linking the groups of inventions as set forth and the Examiner is of the opinion that there is no technical relationship between the groups and subject relating to one or more identical technical elements. While the specification indicates that the claimed sequences are essential in nature for the survival and the growth of Candida albicans to substantiate a common inventive concept, this characteristic cannot serve as a particular technical element as a single essential gene in Candida albicans which is described by Alfonzo Mendoza et al.

Applicants respectfully traverse the restriction requirement and ask the Examiner to reconsider the allegedly 19 different inventions. There was a lack of unity declared during the international procedure but the European Patent Office, which acted as the

International Preliminary Examination Authority, found only 6 inventions which is deemed to be much more reasonable than the Examiner's restriction. Applicants are interested in Invention V as declared by the EPO in the International Preliminary Examination Report, which corresponds to claims 1 to 27 in part, and which is directed to a polynucleotide with the SEQ ID. No: 11, analogues and fragments thereof; vectors and transformed host cells and the use thereof to produce polypeptide; a plasmid I-2212 containing said polynucleotide; a polypeptide with the SEQ ID No: 12 pCaNL260, analogues and fragments thereof; the use thereof in a method for screen for antifungal products and the use resulting products; antibodies directed against the polypeptide and the antibody in the diagnostic and therapeutic methods; a kit for diagnosing fungal infections. This group corresponds to a combination of Groups 5, 11 and 18 designated by the U.S. Examiner.

Applicants are of the opinion that the Examiner is misinterpreting Rule 13 of the PCT and that the present invention deals with only 6 inventions, as declared by the EPO during the international phase, and not the 19 alleged inventions indicated by the Examiner. Applicants would like to have the Examiner restrict the claims to Group V plus 11, plus 18, as designated by the Examiner as it corresponds to a single inventive concept as indicated by the PCT.

The claims have been limited to sequences having an identity with SEQ ID No: 12 and claims 4 and 5 have been limited to the sequence comprising SEQ ID No: 11. Claim 6 has been limited to the sequence coding for SEQ ID No: 12 and claim 7 has been

limited to the sequence coding for PCaNL260 and the sequence hybridizing and/or having significant homology with the same or fragments. Claim 8 has also been limited. Claim 11 has been limited to the polypeptide having an amino acid sequence SEQ ID No: 12 and analogs thereof. Claim 17 has been limited to the deposit I-2212 and claim 18 has been limited to the screening process using the protein PCaNL260. Claim 25 has been limited to antibodies directed against the same.

It is noted that claim 17, drawn to plasmid deposit at the CNCM, does not appear to be included in the 19 groups as designed by the Examiner. Applicants do not know whether this is an oversight on the Examiner's part or not. It is believed that the amended claims are all properly examined in the present invention in their present form.

If the Examiner does not agree with the EPO classification of six inventions and refuses to examine Groups 5, 11 and 18 designated by the Examiner into a single invention, Applicants elect, with traverse, Group 5 designated by the U.S. Examiner, which are claims 1-10, 12-16, 27 and 29 (in part), drawn to polynucleotide having at least 50% identity with a sequence that is homologous to the polypeptide of SEQ ID No: 12, 15 mer fragments and complements thereof.

Since the first Office Action is merely a restriction requirement, Applicants request a prompt examination on the merits.

Respectfully submitted,
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